

Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 19 November 2024 at the Council Chamber - Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Birch, Ellison, Baxter, Leigh, Minto, Moliner, Nicholls, Rushforth, Swift, B Stephenson and C Stephenson

Absent - apologies received:

Councillor Smith

Officers present:

Emma Cross, Assistant Democratic Services Officer
Patrick Cantley, Senior Licensing Officer
Sharon Davies, Senior Solicitor
Lisa Dodd, Legal Services Manager

No members of the public or press attended the meeting.

34 Declarations of Interest

None.

35 Confirmation of minutes

The minutes of the meetings of the Licensing Committee held on the 1 October 2024 and 15 October were **confirmed** as a correct record.

36 Exclusion of the public and press

In accordance with paragraph 11 of the Access to Information Rules in Part 4 of the Council's Constitution, the Chief Executive had determined that the report submitted under agenda items 5 and 6 of the agenda were "Not for Publication", as defined in schedule 12 A of the Local Government Act 1972.

The Committee passed the following resolution "That the public and press be excluded from the meeting whilst agenda items 5 and 6 were being considered, as they referred to exempt information as defined in category 1 (information relating to any individual) Variation Order 2006 and that the public interest in maintaining the exemption outweighed the public interest in

disclosing the information”

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Application for a Wyre dual driver's licence

The Chair, Councillor Birch introduced the Committee and the officers attending the meeting.

The applicant introduced himself. The Chair checked that the applicant knew he could have been represented at the hearing.

The Senior Licensing Officer introduced the report.

Councillor Baxter queried when the applicant's driving ban ended, as Wyre Council's policy stated that 7 years must have passed since the completion of driving ban before a licence be granted. He also asked whether a response had been received from the applicant's GP regarding if the applicant was classed as alcohol dependant. The Senior Licensing Officer clarified that no response had been received, and provided that the driving ban was completed in 2019.

The applicant addressed the Committee. He explained the situation that had let to him receiving a conviction. He added that he understood the severity of his actions. He provided that over 6 years ago, he went to his doctor to seek help with over consumption of alcohol. He added that since then he had managed to better his situation and improve his life. He addressed that he was aware of Wyre Council's policy regarding convictions and mentioned that he was applying for the licence to provide for his family.

The applicant responded to question from Councillors regarding:

- If he planned to continue with his day job
- If he had unrestricted right to work in the UK
- If he was planning to use the car, he had recently purchased car for work
- If there was a current issue with alcohol dependency
- If he still drank alcohol
- The circumstances of an injury the applicant sustained in 2022
- If he refrained from drinking if he was going to drive
- If there were any additional tests he had to undertake after his driving ban had been completed

In response to a question from Councillor Baxter, the Senior Licensing Officer and the Senior Solicitor provided clarification regarding the date a licence could have been issued from.

The applicant summarised his case.

The applicant and the Senior Licensing Officer left the room to allow the Committee to discuss their recommendation in private session.

In reaching its decision, the Committee had regard to:

1. The Council's own Hackney Carriage and Private Hire Policy

2. The Local Government (Miscellaneous Provisions) Act 1976

The Licensing Committee then reconvened, and the Chair announced the decision.

The Licensing Committee refused the application as it did not comply with the Council's policy on two grounds. The applicant would not be seven years conviction free until February 2027 and on the medical evidence provided, he did not meet Group 2 standards. The Committee considered whether they had been persuaded to depart from their policy but determined that there were no exceptional reasons to do so.

38 Application for a Wyre dual driver's licence

The Chair introduced the Committee and the officers attending the meeting.

The applicant introduced himself. The Chair checked that the applicant knew he could have been represented at the hearing.

The Senior Licensing Officer introduced the report.

The Senior Licensing Officer responded to a clarification question from Councillor Rushforth regarding the applicant's medical assessment.

The Senior Licensing Officer responded to the application after he expressed confusion over where he needed to get the medical assessment completed.

The applicant addressed the Committee. He explained the situation that led to him being convicted of common assault and criminal damage. He expressed that it was an isolated incident, and he believed it shouldn't prevent him work opportunities. He addressed his previous use of cannabis, clarifying that it was for medicinal purposes. He explained that 6 months ago through treatment at a private clinic, he had learned techniques to help him successfully stop.

The applicant responded to question from Councillors regarding:

- Whether he was dependent on cannabis
- Whether the person who attacked the applicant was also prosecuted
- If there was persistent misuse of cannabis
- If the applicant received follow-up health checks
- How long and how often he used cannabis
- If he had a job lined up if the Committee approved his application

Discussions were had regarding a treatment programme the applicant attended.

Councillors asked multiple questions regarding convictions listed on the application's DBS certificate. The Senior Solicitor provided clarification on the outcome of his convictions.

The applicant confirmed in response to the Chair's question that he was aware of Wyre Council's policy regarding the use of drugs, and discussions were had regarding taxi ranks drug testing.

The applicant and the Senior Licensing Officer left the room to allow the Committee to discuss their recommendation in private session.

In reaching its decision, the Committee had regard to:

1. The Council's own Hackney Carriage and Private Hire Policy
2. The Local Government (Miscellaneous Provisions) Act 1976

The Licensing Committee then reconvened, and the Chair announced the decision.

The application was refused for two reasons. Only two years had elapsed since the conviction and the position concerning drug use was unclear. Whilst the Committee congratulated the applicant for the steps taken to stop using cannabis, it was a habit he appeared to have had for a number of years. The first GP medical viewed this as drug dependency, although it was accepted that a second medical, at a different practice did not form the same view. Even if it was not dependency, it was a relatively short period since he stopped using the drug. The Licensing Committee did not find any exceptional reasons to depart from their policy.

The meeting started at 6.00 pm and finished at 8.02 pm.

Date of Publication: 29 November 2024